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Dear Lidia

**HOUSING INDUSTRY ASSOCIATION RESPONSE TO:
REFORMING THE VICTORIA PLANNING PROVISIONS, a discussion paper October 2017**

Thank you for opportunity to respond to the *Reforming the Victoria Planning Provisions, a discussion paper October 2017*.

Our comment and feedback regarding the discussion paper is provided below:

Principles of a modern planning scheme

We start with some brief comment regarding four of the six sub-headings under Figure 1: Principles of a modern planning scheme.

Digital first

HIA support this Principle and if it is not already proposed to do so, recommend it be taken a step further to provide hyperlinks in each individual planning scheme to all documents that sit outside the planning scheme. For example, reference and incorporated documents, council policies, studies and supporting information to Overlays such as Heritage Overlay (Heritage citations) and Environmental Audit Overlay (Environmental assessments, reports etc.) that supports the EAO being imposed. In this post-modern world where a reasonable expectation exists that all public documents should be able to be easily accessed online it is submitted should councils not be able to provide hyperlinks to such documents then such documents should not be allowed to be referenced in the planning scheme.

User focused

HIA generally support this principle though recommend caution be exercised in using the term 'end user focused'. It is unclear to HIA who is being referred to as the end user; the applicant / owner, the community, the council. Many stakeholders could consider they are the 'end user' and the planning scheme should therefore be tailored to their needs and desired outcomes. HIA is concerned that if the term 'end user' continues to be used or if the term 'end user' is defined this may exclude one stakeholder over another or bring into question the cornerstone of the VPP's – The objectives of planning in Victoria. Whilst it is understood these objectives are to be given even weight depending on the use and or development being assessed and determined, HIA consider the following three objectives that may be most at risk when using the term 'end user focused' in the context of this principle are:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.

Consistent

HIA generally agree with this principle. However, this must be in the context of understanding planning is complex due to the nature of assessing and determining use and or development applications. There are often a diverse range of stakeholders and interests involved in the planning process and at times it is appropriate that

provisions are drafted such that they can adequately deal with the complexity. It is considered that 'consistent' should be dominant principle and that thought be given the replacing 'simple' with a term such as 'appropriately justified and detailed' or similar.

Land use focused

Whilst HIA generally support this principle it questions why use of the term 'development' is absent.

Reference to avoiding overlap is also questioned. As planning has become very much an all-encompassing discipline it is to be reasonably expected planning will have overlap with other disciplines, be that building, environmental management etc. As part of refining this principle it is considered a greater emphasis should be placed on *avoiding regulatory duplication*. It would be prudent to explore, particularly in many development permit trigger scenarios (and how these translates into permit conditions) whether particular permit triggers are being dealt with in the appropriate discipline, and if not could that permit trigger be removed from planning and placed in another discipline, ie. building.

Proposed VPP Framework

HIA does not oppose the Proposed VPP Framework, though does offer the following comments in relation to Overlays and Particular Provisions.

Overlays: For some time now HIA has consistently argued that Schedules (both to Zones and Overlays but for the sake of this section we shall keep our feedback to Schedules to Overlays) have been allowed to run-away in terms of their quantity and length and this has created the undesirable outcome of a mini planning scheme within a planning scheme and whilst we acknowledge that this point we are making is possibly outside the scope of the Smart Planning Program, it is considered in attempting to 'Integrate streamlined pathway into revised overlay schedule' this may inadvertently add to the length of the schedule.

Particular Provisions: As has been identified earlier in this correspondence (refer sub-heading: Consistent) planning is complexed due to the nature of assessing and determining use and or development applications. In trying to 'Simplify particular provisions ...' it is considered industry must be mindful that an unintended consequence does not occur that being the loss of appropriate justification and detail required to deal with the complexity.

Proposal 2.1: Integrate state, regional and local planning policy

The intention of this proposal is clear to HIA and HIA acknowledge that planning schemes currently contain regional planning content. However, as we have previously mentioned a concern is that should 'regional' become a component of the Planning Policy Framework (PPF) its status in the assessment and determination of a planning application may unintentionally become elevated and create another layer of planning assessment that does not add value. Should 'regional' become a layer in the PPF it would benefit the industry greatly if clear guidance was provided, possibly in the form of Planning Practice Note or similar, as to what applications; scale, dollar value, type etc. the regional component of the PPF applies to. HIA submit, that similar to the State Planning Policy Framework, it will not be appropriate in the assessment and determination of all applications for the regional component of the PPF to be considered.

For example, if land has already been zoned for a particular use and development type, such as residential, then it will not significantly add value when assessing and determining the application to go back and consider high order strategic planning matters such as either the State or Regional Planning Policy if it proposed to develop that land in accordance with the zone Purpose and requirements.

Further in answering the specific question: What will be needed to support transition to a new PPF format?

HIA responds as follows: Education of all Local Government Planners from General Manager / Director to Junior / counter planner alike as to when it is appropriate in the assessment and determination of an application for the regional component of the PPF to be considered.

Proposal 3: Assessment pathways for simple proposals

HIA supports the principle of proportionality in assessing simple applications / making decisions. However is interested to understand how a simple application would be defined as undoubtedly there is potential for there to be a disconnect between stakeholders in agreeing what is a simple application.

In particular HIA supports a streamlined or codified assessment process to facilitate important housing outcomes in strategic areas. HIA has a great deal of staff and member expertise in this area and is willing to contribute to assist in the development of this process if requested by Government.

VicSmart applications, particularly those prescribed by Council can be of great benefit to industry. However, HIA

notes there are a large number of Councils not actively taking up prescribed local VicSmart applications. It is considered the State government may be able to assist Councils uptake to prescribe local VicSmart applications through the offer of incentives such as human resourcing from State government for a period of time as well as a campaign to demonstrate the benefits for Council and applicant alike.

Proposal 4.3: Create an online Victorian planning library

HIA strongly supports this proposal and this corresponds with our earlier comments regarding hyperlinks, refer sub-heading Digital first.

Also it is becoming increasingly important to have ready access to planning scheme history, whilst it is understood this is already available it would be of immense benefit to all of industry if there was greater investment provided and planning scheme histories brought more to the forefront.

Appendix 2: Possible reforms to specific provisions

Below HIA have provided comment on eight of the 'Possible reforms of specific provisions'. HIA provides no comment on the remaining 42 possible reforms.

- ID No. 3, Clause No. 32 - HIA supports Modification a).
- ID No. 11, Clause 37.07 - HIA supports Modification a) and b).
- ID No. 16, Clause 43.05 - HIA supports Modification a), however this possible reform is only discussed in the context of Clause 32.09 Neighbourhood Residential Zone. HIA would appreciate clarification as to whether Clause 43.05 Neighbourhood Character Overlay would continue to be allowed to be applied in the other residential zones, ie. Clause 32.07 Residential Growth Zone and Clause 32.08 General Residential Zone.
- ID No. 26, Clause 52.06 – HIA supports this possible reform.
- ID No. 38, Clause 54, 55 and 56 – HIA conditionally supports Modification a), though further explanation of the Justification is required.
- ID No. 42, Clause 66 - HIA supports Modification c).
- ID No. 47, Clause 81 - HIA generally supports Modifications a) to e) inclusive.
- ID No. 50, Section 173 Agreements - HIA generally supports Modifications a) and b), though further explanation of the Justification is required.

The Housing Industry Association (HIA) appreciates being involved in the consultation process undertaken as part of the Smart Planning Program particularly with regard to participating in both the Reform Advisory Group and the Technical Reference Group.

As always, HIA continues to provide input and feedback on all matters affecting residential construction and the industry more broadly. [REDACTED]

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